

Message Text

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ORIGIN EB-08

INFO OCT-01 EUR-12 ISO-00 CAB-02 CIAE-00 COME-00
DODE-00 DOTE-00 INR-07 NSAE-00 FAA-00 SS-15 NSC-05
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FM SECSTATE WASHDC
TO AMEMBASSY BONN

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E.O. 11652: N/A

TAGS: EAIR, GW, US

SUBJECT: CIVAIR ALLEGED DISCRIMINATION AGAINST
CONDOR CHARTER AIRCRAFT AT LOS ANGELES AIRPORT

REF: BONN 11820

1. CAB RESTRICTIONS ON COOPERATION BETWEEN CONDOR AND LUFTHANSA, SPECIFICALLY INCLUDING PROHIBITION ON CONDOR'S USE OF LUFTHANSA FACILITIES, ARE INTENDED TO ENSURE THAT CONDOR CANNOT ENJOY BOTH THE ADVANTAGES OF BEING A SEPARATE COMPANY AND THE ADVANTAGES OF BEING PART OF LUFTHANSA. THUS CONDOR CANNOT BENEFIT FROM LUFTHANSA'S
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FACILITIES ANYMORE THAN ONE OF THE U.S. SUPPLEMENTALS COULD BENEFIT FROM PAN AM'S.

2. LUFTHANSA ITSELF CAN OF COURSE OPERATE CHARTERS FROM LOS ANGELES, AND, SO FAR AS THE U.S. GOVERNMENT IS CONCERNED, CAN OPERATE THEM FROM THE SAME FACILITIES AS THOSE LUFTHANSA USES FOR SCHEDULED FLIGHTS. IF THE

AIRPORT AUTHORITIES WERE TO OBJECT, WITHOUT SPECIFIC JUDYIFICATION, WHILE CONTINUING TO ALLOW PANAM TO USE ITS SCHEDULED FACILITIES FOR CHARTER FLIGHTS, THERE WOULD BE APPARENT DISCRIMINATION, AND THE DEPARTMENT WOULD BE PREPARED TO INVESTIGATE FURTHER. BUT REFTEL CONTAINS NO SUGGESTION THAT THIS IS THE CASE.

3. CONDOR MAY, IF IT WISHES, APPLY TO CAB FOR PERMISSION TO USE LUFTHANSA'S FACILITIES AT LOS ANGELES, I.E., FOR AN EXEMPTION TO THE RESTRICTIONS ON ITS OPERATING PERMIT. WHILE DEPARTMENT CANNOT SPECULATE ON HOW BOARD WOULD RULE, CONDOR SHOULD BE PREPARED, IF IT CHOOSES THIS OPTION, TO SHOW THAT IT IS PRESENTLY SUFFERING UNDUE HARDSHIP, AND THAT LUFTHANSA WOULD BE PREPARED TO GRANT EQUAL ACCESS TO ITS LOS ANGELES FACILITIES AT EQUAL COST TO OTHER AIRLINES IN SIMILAR CIRCUMSTANCES, SUCH AS THE U.S. SUPPLEMENTALS.

4. EMBASSY MAY USE ABOVE AS DESIRED IN RESPONDING TO FEDERAL MINISTRY OF TRANSPORTATION. VANCE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
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Control Number: n/a
Copy: SINGLE
Sent Date: 28-Jul-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
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Disposition Reason:
Disposition Remarks:
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ISecure: 1
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Litigation Codes:
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